

PROPOSED AMENDMENT
to the
CONSTITUTION OF THE STATE OF OHIO

by

ATTORNEY GENERALS OFFICE

INITIATIVE PETITION

MAR 1 2010

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CONSTITUTIONAL OFFICES

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OHIO SOVEREIGNTY AMENDMENT

Submitted by

The PEOPLES CONSTITUTION COALITION OF OHIO

March 16, 2010

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OHIO SOVEREIGNTY AMENDMENT

HISTORICAL OVERVIEW:

On September 22, 2009 the Committee for The PEOPLE'S CONSTITUTION COALITION OF OHIO submitted to the Ohio Attorney General a *PROPOSED SOVEREIGNTY AMENDMENT TO THE OHIO CONSTITUTION* along with their *Summary* and approximately 1,800 signatures from the people of Ohio.

On October 2, 2009 Richard Cordray, Ohio Attorney General, constructed his response rejecting the submitted *Summary*.

The controlling statute governing the submission of an "Initiative" by the people of Ohio is found at R.C. § 3519.01(A), wherein it states, to wit:

"Whoever seeks to propose a law or constitutional amendment by initiative petition shall, by a written petition signed by one thousand qualified electors, submit the proposed law or constitutional amendment and a summary of it to the attorney general for examination. ... If, in the opinion of the attorney general, the summary is a fair and truthful statement of the proposed law or constitutional amendment, the attorney general shall so certify and then forward the submitted petition to the Ohio ballot board for its approval under division (A) of section 3505.062 of the Revised Code." - R.C. § 3519.01(A) [Underline added]

The said provisions of the Revised Code offer no other guidance or specifications regarding the construction of the *Summary*, nor does it define what constitutes a "fair and truthful statement." The only indication as to the proper interpretation of the said terms is provided in the Attorney General's said response letter, which expresses that a fair and truthful statement would include: (1) a specific account of each of the proposed provisions; (2) a description of any newly created duties and responsibilities for Ohio's public officeholders and public servants; (3) and relevant consequences of ratification in terms clearly identifiable by the average person. Phone conversations with an attorney from the Attorney General's office confirms that the items indicated would adequately provide the information required to certify a proper *Summary*. These criteria are not interpreted to include every conceivable purpose, intent or effect possible.

On December 21, 2009 the Committee resubmitted a newly revised proposed amendment with approximately 1,700 signatures attached. The said amendment included a completely new *Summary* based on satisfying the qualifications stated in the Attorney General's rejection letter. Every attempt was made to satisfy the qualification requirements with sufficient information so as to adequately address each element of the proposed amendment.

In addition to revising the *Summary*, the Committee took advantage of the opportunity to rewrite the amendment to include additional provisions deemed necessary to further secure and protect the people's sovereignty and that of the state of Ohio. Said provisions included introduction of an Ohio Citizens Civil Enforcement authority, a private Citizens' association whose primary purpose is to enforce the Constitution and bring suit against government and public servants who violate it. Education parameters were also introduced as a measure to protect the people's sovereignty and the principles of good government through teaching of virtuous principles to our children.

On December 30, 2009 Richard Cordray, Ohio Attorney General, again rejected the proposed Ohio Sovereignty Amendment. His reason for said rejection was that the *Summary* did not qualify as a "'short, concise summing up', which will properly advise those who are asked to either sign the petition or to support the amendment at the polls of the character and of the purports of the amendments without the necessity of perusing them at length." Since the relevant law pertaining to the *Summary* is completely void of any language that would constitute any form of specification as to length and other criteria other than a "fair and truthful statement", the Committee has been without sufficient information to properly address these matters.

After careful consideration and personal conversations with the Attorney General's office, the Committee decided to completely rewrite the proposed amendment in a more logical and sequential format and construct a short and concise *Summary*, in narrative form, to address all the issues presented by the Attorney General in his rejection letters.

Additionally, upon presentment and solicitation of recommendations and concerns by the people over the provisions of the amendment, the Committee refined the language to include several additional important matters of sovereignty, particularly those of Jury Nullification, a Recall process, transfer of education to the local level, emergency law enhancements, and renaming of the Ohio Citizens Civil Enforcement Authority to the Peoples Constitution Council.

The revised proposed OHIO SOVEREIGNTY AMENDMENT and *Summary*, Revision 4.2, was finalized and implemented on January 27, 2010. Approximately 2016 qualifying signatures from the people were collected anew and are attached to this submittal in pursuit of certification, and surrendered to the Attorney General on this 16th day of March, 2010.

WHEREFORE, we hereby submit our third *Summary* for a newly revised proposed OHIO SOVEREIGNTY AMENDMENT to the Ohio Constitution. This *Summary* is intended as a fair and truthful, short and concise statement of the proposed amendment based on the above criteria.

End of Historical Overview.

PURPOSE AND INTENT:

The purpose and intent of this proposed amendment to the Ohio Constitution is to express, in clear and concise terms, such provisions within the highest law of Ohio to mandate full and absolute compliance by government, and those serving in a public capacity, to the Ohio Constitution and Constitution for the United States of America, as duly established.

It is the opinion of this committee and many fellow Ohioans, by observation, that the current Ohio and federal governmental institutions are operating well outside their delegated authorities as established by the intent of our founding fathers. Such abuses have resulted in the usurpation of undue powers to the detriment of the people of this State.

Whereas, it is the duty of this government to protect the people of Ohio from all enemies, both foreign and domestic, we hereby proclaim that such duty shall be established in such terms that the people shall know for certain that the guarantees set forth in said Constitutions are, in fact, the supreme law of this land and that all members of such society and their public servants must act in compliance, therewith, while enjoying its benefits for a free society founded on minimal interference from government.

The most paramount duty of government is to protect the individual Rights and Liberties of the people, of which reasonable measures for public health, safety, and morals are a subset thereof. Government shall have no other interests of its own, and everything which government has the power to do, shall be done for the sole benefit of the people.

It is the objective of this proposed amendment to define, preserve, protect, maintain and enforce the people's individual sovereignty and the sovereignty of the state of Ohio over the federal government. Such provisions must be incorporated within the Ohio Constitution that provides express authority and process whereby the people can fulfill their duty to enforce governmental compliance with and accountability to the Ohio and federal Constitutions.

WHEREFORE, we propose the following text of the OHIO SOVEREIGNTY AMENDMENT be ratified by the popular vote of the people of Ohio and incorporated into the Constitution of the State of Ohio.

End of Purpose and Intent.

Summary of Proposed OHIO SOVEREIGNTY AMENDMENT to the Ohio Constitution

Summary Rev. 4.2 – 01/27/2010

Amendment Rev. 4.2 – 01/27/2010

It is the purpose of the proposed Ohio Sovereignty Amendment to reclaim our constitutional heritage and enforce the sovereign powers of Ohio Citizens over the state of Ohio and the sovereignty of Ohio, as an independent nation state within the federal Union, over the government of the United States. This proposed amendment is designed to render null and void and unenforceable all unlawful usurpations of power and abuse by the governments of Ohio and of the United States against the people in Ohio.

This amendment expressly declares that the Ohio Constitution is the controlling instrument for Ohio government, that all powers of the state of Ohio derive solely from that instrument, and that without it, the state of Ohio has no powers to act. It guarantees protection of the people's individual Rights and Liberties, which they shall enjoy with minimal governmental interference. The Ohio Constitution shall be considered a binding agreement on all public servants.

This amendment retains the sovereign status of Ohio Citizens over the state of Ohio and their Right to alter or abolish it as they deem necessary. To maintain control over Ohio government, all governmental functions must be open for public inspection.

This amendment mandates that the state of Ohio is a republic form of government and can operate in no other capacity. The federal Union of states created the federal government for certain limited purposes, preserving to themselves all powers not delegated. This amendment secures the sovereign status of the state of Ohio over the federal government, yet compliant with the federal Constitution. It mandates that public servants perform their duties faithfully, diligently and prudently on behalf of the people in Ohio.

This amendment emphasizes the duty of the state of Ohio to protect the Rights and Liberties of everyone in Ohio, by whatever means appropriate – peaceably, if possible, but by force of arms, if necessary. This also includes protection from unconstitutional federal mandates.

This amendment declares that powers may only be granted to Ohio government by express provision in the Ohio Constitution, which shall be established only by Citizens voting for them at the polls. It assures that the people's fundamental Rights to Life, Liberty, Property, and the Pursuit of Happiness shall not be deprived or encumbered, nor subject to licensure or taxation, and the people cannot waive or forfeit them, even by consent. The state shall have no authority to act in any capacity not granted by the Ohio Constitution.

This amendment will prohibit Ohio government from participating in agreements that are violative to the purposes and intent of the Ohio Constitution or that do not serve the best interests of Ohio Citizens.

To further protect the sovereignty of Ohio Citizens, this amendment demands that all laws established in Ohio must be compliant with the Ohio Constitution, which is the supreme law of Ohio. Every law established may be challenged for constitutional compliancy, and if deemed to be unconstitutional by the Ohio Supreme Court, shall be rendered null and void, without legal force or effect. Regulatory laws must be supported by evidence to justify their creation, and then may be established only as minimally necessary to protect the public health and safety. Emergency laws created to address extraordinary situations must define the emergency and how the emergency will be resolved by the diligent efforts of Ohio government. To assure compliance of Ohio laws, every law must clearly state its constitutional authority and upon whom it will be applied. So that the people can accurately interpret the law with consistency, an official legal dictionary shall be constructed and used in the writing and interpretation of the law. This dictionary shall be comprised by collaboration between the Supreme Court of Ohio, the Ohio General Assembly, and the Peoples Constitution Council.

To protect the people in Ohio from unconstitutional law and governmental corruption, this amendment grants power to the Supreme Court of Ohio to suspend, abolish or vacate any law it deems to be unconstitutional. All governmental powers affected by an unconstitutional law shall also be suspended until the defect has been resolved. The Supreme Court of Ohio must retain jurisdiction over an unconstitutional matter until it has been resolved, and it cannot withhold such a decision on the basis that the decision would adversely affect government or any public servant. In suits at trial, juries shall be allowed to hear the facts and the law, and to suspend the law of the case to preserve justice. Ohio Citizens shall have the Right to suspend or abolish any law by a Citizens' initiative process.

This amendment demands that the state of Ohio shall not tolerate misconduct from public servants. Public servants will be held accountable for their misconduct in office, and those who knowingly violate the Ohio Constitution shall be prosecuted according to law. To protect the people in Ohio from incompetent public servants, Ohio Citizens shall have the Right of Recall to remove such public servants from office. Any public officeholder removed or forced from office shall be prohibited from serving in any public capacity and forfeit their state benefits. Public servants who fail to uphold the Ohio Constitution shall not be immune from prosecution or removal.

This amendment requires public servants to faithfully and diligently serve the people in Ohio and respond to the people's requests for information and documents.

This amendment further mandates that the governor shall be required to ensure that all functions of Ohio government are in compliance with the Ohio Constitution. The office of Sheriff, who's primary duty is to the people, shall be secured by the Ohio Constitution as a member of the executive branch. The Sheriff shall be the supreme governmental enforcement authority in his county and have the power to call other Sheriffs and deputize Citizens to keep or restore the peace. This amendment will require federal agents to present a valid judicial warrant and utilize the county Sheriff for all federal enforcement activities. It also requires judges and other presiding officials to protect the people's constitutional protections in every lawsuit. The sovereign power of the people to protect themselves, their property, their communities and the state of Ohio shall be forever preserved in their Right to bear arms. Said Right shall never be deprived nor infringed except in punishment upon conviction of a high crime, by due process of law. Further, the Right of the people to form, maintain and operate a peoples' militia shall likewise be protected by the Ohio Constitution. And, to maintain a constructive interaction between the state of Ohio and the people in Ohio, this amendment demands that the state encourage activities that promote the development of personal protection, preservation, preparedness and self defense by the people.

This amendment establishes a private association called the Peoples Constitution Council to effectively and efficiently bring grievances against government or public servants, to promote education of our system of governance, and to preserve this Constitution. The basic structure of this association is defined in this amendment. The Peoples Constitution Council, however, shall not function as a substitute for the ordinary functions of Ohio government.

This amendment moves the regulation of public education to local county government to provide the people more control over the education of their children. It requires that the state of Ohio encourage educational principles that promote a prosperous, moral and ethical society, the purpose of which is to preserve the people's sovereignty and system of self government through proper education of children.

This amendment prohibits the Ohio Legislature from enacting any law that would effectively deny, surrender, abrogate, or abolish the people's sovereignty or transfer their sovereign powers to any foreign jurisdiction, and any attempts to do so, except by the will of the people themselves, shall be considered an act of aggression against the people in Ohio.

This amendment preserves the principles of sovereignty with paramount importance. The people's sovereignty, and that of the state of Ohio, must never be perverted nor destroyed except by the deliberate purposes of Ohio Citizens. To preserve sovereignty, this amendment shall be controlling over every other provision of the Ohio Constitution and the laws in Ohio.

This amendment requires that all existing laws be amended or repealed, as appropriate, to comply with the Ohio Constitution after this amendment becomes effective. The state of Ohio shall be provided reasonable measures to comply with this provision.

The new duties and responsibilities of Ohio's public officeholders and public servants are summarized as follows: (1) the Governor is required to protect all Ohio Citizens against unconstitutional encroachment by the Ohio or federal governments, and protect the state of Ohio against unconstitutional encroachment by the federal government, (2) the Ohio legislature must expressly identify the relevant authorizing provisions in the Ohio Constitution on all proposed legislation, (3) the Supreme Court of Ohio must hear challenges to the constitutionality of Ohio laws, without cause, upon a valid complaint, and (4) all Ohio public servants will be required to faithfully adhere to the Constitution and protect the Rights of all people in Ohio, and will be subject to discipline, and possibly even prosecution, for failure to meet these responsibilities.

The consequences of ratification include, among others: (1) the reaffirmation of the sovereignty of Ohio Citizens and of the state of Ohio, (2) the reaffirmation of the Ohio Constitution as the voice and will of the Citizens of Ohio and controlling instrument over their state government, (3) the reaffirmation of the responsibility of all Ohio public officials to uphold and protect the Ohio Constitution and the Rights and Liberties of all people in Ohio, (4) power will be exercised by the Citizens of Ohio through the Peoples Constitution Council to ensure that these principles of sovereignty and constitutionality are consistently observed and honored by all of Ohio's public servants, and finally, (5) that certain protections be established or restored to secure and enforce the Citizen's control over Ohio government.

End of Summary.

Text of Proposed OHIO SOVEREIGNTY AMENDMENT to the Ohio Constitution

Rev. 4.2 – 01/27/2010

Be it resolved by the people of the state of Ohio,

ARTICLE (): SOVEREIGNTY; Duties, Powers and Authorities; Compliance and Accountability

§1. Purposes and Intent of the Ohio Constitution

The Ohio Constitution represents the voice and will of the Citizens of Ohio for the establishment and operation of their state government. It constitutes the fundamental controlling instrument upon which all powers and authorities of the state are dependent, and without which the state shall not act. The Ohio Constitution serves as a guarantee for the protection of individual Rights and Liberties for all people in Ohio, Citizen or not. It also serves as a binding agreement upon all public servants to uphold, superior to any other obligation, duty or law. The purpose of the Ohio Constitution is to secure said Rights and Liberties with minimal governmental interference. Ohio government is established for protection of the people's individual Rights and Liberties and for the people's exclusive benefit, having no other purpose or interest.

§2. Sovereignty of Ohio Citizens

Ohio Citizens, individually and collectively, perpetually retain their sovereignty over the state. All power to create, alter, reform, or abolish Ohio government is vested in, and forever remains exclusively with, the Citizens of Ohio. Ohio Citizens have the right to monitor, inspect and audit every function of Ohio government. All books, records and operations of Ohio government shall be open for public inspection and dissemination.

§3. Sovereignty of the State; General Duty

The state of Ohio shall operate solely as a free and independent republic and within the Union of federated states comprising *The United States of America*, and its government shall faithfully, diligently, and prudently exercise all powers and authorities granted to it by this Constitution. Ohio perpetually retains its sovereignty over the federal government, yet compliant with the strict interpretation of the *Constitution of the United States of America*.

§4. State Duty Over Federal Mandates

It is a principal duty of the state of Ohio to protect the people in Ohio from all unconstitutional interference by the federal government, exercising all measures appropriate under the circumstances.

§5. Limitation of State Powers and Authorities

The state of Ohio shall have no powers or authorities except by express provision of this Constitution, and such provisions shall be established only upon the knowledgeable consent of Ohio Citizens at the polls. Ohio government shall not usurp any powers or authorities not specifically granted or authorized by this Constitution, nor shall it operate in any capacity of its own or contrary to the collective interests and benefit of Ohio Citizens.

The fundamental Rights of every man and woman to Life, Liberty, Property, and the Pursuit of Happiness are common to all, absolute and necessary in the ordinary course of life and shall not be deprived, abrogated, or encumbered through any form of licensure, taxation, event, conduct, or legislation by the state or any political subdivision. Nor shall such Rights be subject to or deprived by waiver or forfeiture, whether intentionally or by neglect. All protections provided or imposed by this Constitution shall be equally administered and enforced, without prejudice or favoritism.

§6. Compacts, Contracts and Treaties

No public servant, agent, department, office, municipality, corporation or other entity acting in any public capacity on behalf of Ohio Citizens, shall enter into or participate in or benefit from any contracts, compacts, treaties, or other public or private agreements contrary to the provisions, purposes, or intent of this Constitution.

§7. Establishment and Enforcement of Laws

This Constitution is the supreme law for Ohio. No law, rule, regulation or other governing provision shall be enacted, established, enforced or otherwise implemented contrary to the provisions, purposes, or intent of this Constitution. The constitutionality of every law, rule, regulation, or other governing provision of Ohio and its political subdivisions shall be subject to direct challenge, without cause, through the Supreme Court of Ohio.

Regulatory laws may be established and enforced as reasonable and minimally necessary to protect the public's health and safety, but only upon production of sufficient supporting evidence that clearly justifies such laws. No law, rule, regulation, or other governing provision shall be enacted or otherwise established or enforced that does not expressly identify the relevant authorizing provisions of this Constitution. Every such provision shall clearly and succinctly identify, with particularity, its purpose and upon whom said provision shall operate.

Emergency provisions may only be established and enforced under extraordinary circumstances to protect the people in Ohio from a clear and present danger, and they must clearly define both said emergency and upon what reasonably obtainable conditions said emergency will cease. Ohio government shall work diligently to resolve all such emergencies and thereupon repeal the relevant emergency provisions.

Whereas it is the duty of every Citizen to know and understand the law as it applies to them, it shall be the combined duty of the General Assembly, the Supreme Court of Ohio, and the Peoples Constitution Council to compose and maintain an official dictionary for the clear and precise definition of all significant terms and phrases used within the laws, rules, regulations and other governing provisions of Ohio. Said dictionary shall be the official resource wherewith all Ohio governing provisions shall be written and interpreted, and it shall be made widely available through the office of the Ohio Secretary of State to the people in Ohio.

§8. Suspension of State Powers

The Supreme Court of Ohio shall have the power to suspend, abolish or vacate any law or other governing provision in Ohio deemed by it to be unconstitutional. If any law or other governing provision within Ohio is determined to be noncompliant with this Constitution, it shall be deemed null and void and without legal force or effect, from its beginning, and all powers and authorities of the state affected thereby shall immediately cease until the constitutional deficiency has been resolved. Such determinations shall not be dependent upon any adversity created upon government or any public servant. The resulting decision and state action shall be prominently noticed to the people. The Supreme Court of Ohio shall retain jurisdiction until such matters have been resolved.

All juries shall be comprised only of Ohio Citizens, and in the course of serving in any criminal or civil action in an Ohio court, shall have the right to hear and determine both the facts and the law of the case. And, in the event the jury determines that the law presented or applied against the defendant shall serve to an unjust end, the jury shall have the absolute right, without objection or interference from the court, to suspend or nullify the law as applied in such case. Such determination shall require at least a three-fourths vote of the members of the jury in favor of nullification. The judicial or administrative officer in charge of the proceedings shall disclose to the jury its right of nullification of the law in every case before commencement of trial.

The Citizens of Ohio shall forever retain their sovereign powers of initiative process to suspend, abolish or vacate any law, resolution, rule, regulation or other governing provision of the state or its political subdivisions.

§9. Governmental Compliance and Accountability

Ohio government shall not tolerate any misconduct by public servants while in the performance of their public duties and responsibilities. Activities intentionally perpetrated by public servants contrary to the purposes and intent of this Constitution shall be considered as High Crimes against the people and prosecuted as such.

Ohio Citizens may recall or remove any elected or appointed public officeholder they deem incompetent or unreliable to serve in their best interests by petition signed by electors of the district in question by a number of votes equal to or greater than that succeeded to place the public officeholder or his appointing official into office. The vacancy created by removal of said public officeholder shall be filled as soon as practical by appointment of the Governor from candidates nominated by the Citizens. In the event that the Governor becomes subject to removal by the Citizens, the Lieutenant Governor shall fulfill the duties herein defined for the Governor. Any public officeholder removed or forced from office, whether by the legislature or by the Citizens of Ohio, shall be barred for all future service as a public servant and shall forfeit all benefits that would have otherwise become due. Recall or removal of any public officeholder by the Citizens of Ohio shall be final, without recourse, and does not bar any action brought against said public officeholder.

No public servant shall enjoy immunity from prosecution or punishment for participation in activities perpetrated in violation of the provisions, purposes or intent of this Constitution.

§10. Duty of Public Servants

All public servants shall faithfully, diligently, and prudently perform their respective public duties and responsibilities, and they are required to answer all legitimate grievances and reasonable inquiries pertaining to the duties and performance of their respective offices, and shall faithfully produce such specific public records in their care or control as requested and appropriate.

§11. Enforcement of the Ohio Constitution

It is hereby declared and established that the supreme duty and responsibility of the governor of Ohio is to uphold and enforce the provisions, purposes, and intent of this Constitution and to ensure that all functions of government operate in compliance therewith.

It is further established that the office of Sheriff shall be preserved by this Constitution as an integral part of the executive branch and ever remain a servant of and to the people in Ohio. The Sheriff shall have supreme governmental authority to enforce this Constitution and laws made in compliance therewith within the county of his respective jurisdiction. Sheriffs may call into service Sheriffs of other counties and deputize Ohio Citizens for official service in times of emergency and other extraordinary circumstances to preserve or restore the peace and protect the people in Ohio.

No enforcement action shall be exercised by any federal or foreign agency against the people in Ohio except through the authority of the county Sheriff upon presentment of a valid judicial warrant, in which instance said Sheriff shall apprehend and deliver the accused to the appropriate authority at the county jail. The Sheriff may rely on assistance from relevant federal or foreign agents, at his sole discretion, while preserving the Rights of the accused.

It is the duty of all judges, magistrates, commissioners and other similar officers, whether judicial or administrative, to preserve the people's Rights and Liberties and other constitutional protections, in the course of rendering their assessments, decisions, and determinations.

To forever secure the sovereignty of the people and their ability to provide for or protect themselves, their property, their community and this state, the Right of the people to acquire, possess, carry, trade and utilize any manner of arms, weapon, personal armament and other devices and munitions designed for personal use, excluding all manner of explosives and biological or chemical systems, shall not be infringed, encumbered, deprived nor prohibited except by due process of law and upon conviction of a High Crime. The Right of the people to assemble, exercise and maintain a peoples' militia shall be likewise retained. The state shall encourage that the principles of personal protection, preservation, preparedness and defense be made readily available and exercised by the people in Ohio. People who intentionally abuse their Right to bear arms, causing undue physical harm or injury to the innocent, shall be punished according to law and prohibited from further exercise of said Right.

§12. Peoples Constitution Council

There is hereby created the Peoples Constitution Council for purposes of addressing grievances of the people in Ohio against state and federal governmental misconduct and abuse, promoting public education on the Constitution, and preserving our system of Constitutional government. Said Council shall not function as a substitute for the ordinary functions or operations of government. Said Council shall be established in the following manner:

(A) CREATION

- (1) The Peoples Constitution Council is a constitutionally established private, non-government and unincorporated Citizens association comprised of a non-partisan Council of seven private Ohio Citizens knowledgeable and qualified in fundamental matters pertaining to the functions of state and federal government, and others under their direction and control.
- (2) Said Council shall be funded in an amount of one-half of one percent (0.5%) of the gross revenues of the state. Said funds due at the beginning of each month shall be deposited or transferred by the Ohio Treasurer to a Peoples Constitution Council Trust account maintained by the Council and used exclusively by the Council to fulfill its official purposes.
- (3) Each Council Member shall be elected by the Citizens of Ohio at the polls during the November general elections. A Council Chairman shall be elected by a majority vote of all Council Members within 14 days after commencement of the new term, which shall begin on the second Monday of January following said elections.
- (4) Each Council Member shall serve for a term of four years, alternating in succession every two years. The three Council Members elected during the first Council election having the least number of votes from the Citizens shall serve a term of two years. Every Council Member in good standing shall be eligible for re-election, but none shall ever serve more than three terms.
- (5) All funding for Council Member campaigns shall be provided solely from a central fund controlled by the Council and equally distributed among all eligible candidates. Unused balances from all campaign funds distributed to Council candidates shall be refunded, along with their accounting, to the said central fund no more than 30 days after the election.
- (6) Council vacancies shall be filled by qualified Citizens nominated and unanimously voted upon by the Council Members, as soon as practical, after each vacancy occurs. Every appointed Council Member shall serve for the duration of the term filled.

(B) QUALIFICATION OF COUNCIL CANDIDATES

- (1) Any Ohio Citizen in good moral standing who is at least 35 years of age, with a high school education or higher, who can satisfactorily pass a written exam constructed and administered by the Council, who so desires and can produce at least 1,000 qualifying nomination signatures, shall be eligible as a Council candidate. Citizens serving in any governmental capacity shall be prohibited for three years thereafter from seeking or occupying a position on said Council. Likewise, Council Members shall be prohibited, by contract, from seeking public office for a period of three years after separation from the Council.
- (2) The Council qualification examination shall be comprised of multiple choice questions pertaining to general facts relating to American history, the American system of Republic government, Rights and Liberties of the people, the founding documents for the Ohio and federal governments, and other matters the Council deems appropriate for the benefit of the people.
- (3) All questions on the Council qualification examination shall be based on validated facts from historical and judicial records.
- (4) Any candidate may challenge questions on the examination by submitting said challenge to the Council within 10 days after receiving their exam results. Upon a successful challenge founded upon evidence, credit shall be properly bestowed and the candidate's score shall be adjusted, accordingly.
- (5) The first Council qualification examination shall be constructed and administered by the committee which proposed this amendment to the Ohio Constitution. Said committee will encourage the Citizens of Ohio to submit their questions and resources for inclusion in the said examination. Said committee shall assemble all questions, prepare said examination, conduct appropriate training, and administer said examination to all Council candidates prior to their qualified nomination for election.
- (6) Subsequent to the first election of Council Members, development and administration of Council qualification examinations shall be conducted by the Peoples Constitution Council.

(C) POWERS AND AUTHORITIES

- (1) The Council shall have authority to establish its own rules and regulations in strict compliance with the purposes and intent of this Constitution. Said rules and regulations shall govern all activities performed by and through the Peoples Constitution Council.
- (2) To maintain the people's sovereignty, the Council shall operate outside the general authority of state and federal government.
- (3) No Council Member, worker or agent for the Peoples Constitution Council shall participate in or accept any governmental benefit program, while discharging his duties, which could create a nexus, obligation, or duty in conflict of interest with his said duties.
- (4) The Council shall have authority to negotiate the settlement of grievances against any entity of state or local government and, upon determination by the Council that such grievance has sufficient merit, bring suit against such entity and other appropriate parties in the Supreme Court of Ohio. In situations involving federal governmental abuse against people in Ohio, the Council shall have authority to file notices and demands with the governor and attorney general of Ohio to invoke appropriate actions.
- (5) Upon any determination by the Supreme Court of Ohio whereby remedy is due for a grievance brought by the Peoples Constitution Council, the Council shall exercise the Rights of due process for enforcement of said determination. The Supreme Court of Ohio shall be duty bound by this provision to issue a determination on every action brought by the Peoples Constitution Council.
- (6) When, in the opinion of the Council, a grievance demonstrates that a substantial risk has occurred that jeopardizes a compelling interest of the people in Ohio, and remedy cannot be obtained from the Supreme Court of Ohio, the Council shall propose, by initiative or referendum, an amendment to this Constitution or relevant laws in response to the said grievance.
- (7) The Peoples Constitution Council shall establish such procedures and acquire such resources and personnel as appropriate and necessary to effectively fulfill its purposes.

(D) DUTIES

- (1) It is the supreme duty of the Council to preserve and defend the Rights and Liberties of the people in Ohio. Every Council Member, before execution of his respective office, shall execute a solemn and binding oath of allegiance, duty and service to the people in Ohio to faithfully, diligently, and prudently uphold the Ohio Constitution and Ohio laws made in compliance therewith.
- (2) A Code of Conduct shall be established by and for the Council, which shall be enforced by a Council Deputy who shall be appointed by majority vote of the Council Members within thirty days after each new Council election term becomes effective.
- (3) The Council shall establish a system for accepting and qualifying valid grievances, determining what actions are appropriate under the circumstances, and implementing enforcement actions against appropriate governmental entities and other parties.
- (4) To efficiently and effectively acquire Citizens support on proposed initiatives and referendums and securing the voice of the people in the functions of Ohio government, the Peoples Constitution Council shall establish and maintain a Citizens network of volunteers and others across the state of Ohio.
- (5) All activities conducted by the Peoples Constitution Council are mandated to be in full compliance with the provisions, purposes, and intent of the Ohio Constitution.
- (6) The Council shall establish a presence in each county of Ohio whereby the people shall have ready access to information and services furnished by the Peoples Constitution Council.
- (7) The Council shall attempt to resolve all grievances brought by the people in Ohio before any formal action is taken on behalf of said grievance in the Supreme Court of Ohio.
- (8) It shall be a duty of the Peoples Constitution Council to recommend and participate in matters pertaining to the preservation of individual and state sovereignty.

(E) LIABILITIES

- (1) The Peoples Constitution Council and its Council Members, workers and agents shall enjoy full immunity while acting in good faith in their normal course of operations.
- (2) A breach of oath committed by any Council Member shall result in sanctions against said Member, in accordance with the same laws established for public servants.
- (3) Every Council Member and others acting on behalf of the Peoples Constitution Council shall be subject to the laws of Ohio to the same extent as they would be in their respective private capacities.

(F) INTEGRITY

- (1) All Council Members of the Peoples Constitution Council must maintain the utmost integrity to the purposes and intent of the Ohio Constitution. Breaches of severe moral turpitude shall result in removal of the perpetrating Council Member from his official duties through appropriate action by the Council Deputy and other Council Members, or by the people through the Recall process used against public officeholders.

(G) EXECUTION

- (1) Execution of all provisions for implementation of the Peoples Constitution Council shall commence within 90 days from the effective date of this amendment. Election of the first Council Members shall be conducted during the next November general elections following said effective date.
- (2) During the course of time from enactment of this amendment and establishment of the first Council for the Peoples Constitution Council, the committee that introduced this amendment to the Ohio Constitution shall administer the Peoples Constitution Council Trust account and have access to said funds, under the supervision of the Ohio Attorney General, for purposes of satisfying all matters pertaining to the establishment of the first Council of the Peoples Constitution Council and other matters deemed appropriate for the advancement of said Council.
- (3) This Subsection 12(G) shall expire upon satisfactory implementation of the first Council for the Peoples Constitution Council.

§13. Preservation of Good Government

Whereas it is in the best interests of the people in Ohio that the principles of good government, integrity of this Constitution, and perpetuation of a moral society be preserved for enjoyment by the people's posterity, it is hereby established that such principles be supported and encouraged throughout all schools in Ohio. Said principles shall include, among others of similar beneficial interest, the following: (A) perpetuation of absolute truth in all things; (B) maintenance of a high moral and ethical standard; (C) sharing of compassion, charity and spirituality; (D) promotion of creativity, courage, and individual responsibility; (E) development of mechanical skills, mathematics, and personal dexterity; (F) the application of law and the mechanisms of good government; (G) the joy of community, peace and tranquility; (H) the importance of good character, integrity, and honor; (I) and necessity of defense, preparedness, and preservation.

Public educational curriculum and operations for children in Ohio through the twelfth grade shall be regulated solely at the local county level.

§14. Preservation of Sovereignty

Every attempt to subvert the fundamental principles of this Constitution, unless by open notice and deliberate action from the Citizens clearly stating their intent to reform or abolish this Constitution or Ohio government, shall be deemed an act of aggression against the Citizens of Ohio and is hereby strictly prohibited. Appropriate sanctions and penalties shall be enacted and brought against those so doing.

§15. Future Laws

All provisions of this Constitution and Ohio laws, rules, regulations, and other governing provisions shall be created, interpreted, applied and enforced to comply with this Article.

§16. Transition Period for Existing Laws

Ohio and all its political subdivisions shall alter, amend, or repeal, as applicable and without undue delay, all existing laws, rules, regulations, and other governing provisions to fully comply with this Article within four years from the effective date of this amendment. Priority shall be afforded to those laws and provisions that protect the rights, liberties, and principles of due process of and for the people. All existing laws and provisions shall remain enforceable during said period but subject to challenge, and all those remaining and not determined to be compliant with this Article after said period, shall be unenforceable until such time they are determined to be compliant. Those remaining and not determined to be compliant after ten years from the effective date of this amendment and affording no beneficial interest of the people, as determined by the Peoples Constitution Council, shall be repealed by the General Assembly and removed from the record and have no further legal force or effect. This provision shall expire upon complete satisfaction of the mandates of this provision.

End of Amendment.

VERIFICATION

Pursuant to Article II § 1a of the Ohio Constitution and R.C. § 3519.01, I, the following signatory, do hereby attest that the accompanying petitions, which are to be incorporated in full with this submittal, have been collected in good faith with the intent of full compliance with the applicable provisions of law.

FURTHER, I hereby certify that said petitions represent the true interests of the people of Ohio in support of the proposed amendment, and that they have not been acquired by any means of deceit, misrepresentation, or inducement by payment or duress.

We, the undersigned, hereby attest that we have personal knowledge of the said petitions and affirm that they contain 2016 signatures from the people of Ohio who have demonstrated their knowledgeable support for the proposed OHIO SOVEREIGNTY AMENDMENT. FURTHER, we attest to the fact that all said signatures are hereby submitted with this submittal for purposes of qualification for certification of the said amendment by the Ohio Attorney General. FURTHER, we attest that copies of all said signatures and their accompanying Circulator Statements have been retained by the committee for The PEOPLES CONSTITUTION COALITION OF OHIO for future reference and authentication purposes.

IN TESTIMONY WHEREOF, we do hereto attach our signatures and state under solemn oath that these statements are true.

Richard McClaskey 3-16-2010

Richard McClaskey – Signatory/Testator
Committee Member
The PEOPLE’S CONSTITUTION COALITION OF OHIO

Michael Alan Young
Witness #1 - Signature

Michael Alan Young 03/16/2010
Witness – Printed Name

Kimberly L. Wilhelm
Witness #2 - Signature

Kimberly L. Wilhelm 03/16/2010
Witness – Printed Name